THE HON'BLE MR. JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 20596 AND 20858 OF 2005

DATED: 30-09-2005

WRIT PETITION NO. 20596 OF 2005

Between

Nellore District Agnikula Kshatriya Welfare
Association (Reg. No. 330 of 1998),
Nernoor Village, Guduru Mandal, Nellore District,
repted., by its President, D.V. Subba Raju
and others.

..... PETITIONERS

And

State of Andhra Pradesh, reptd., by
the District Collector, Nellore and others.

..... RESPONDENTS

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THE HON'BLE MR. JUSTICE L. NARASIMHA REDDY

WRIT PETITION NOS. 20596 AND 20858 OF 2005

COMMON ORDER:

These two writ petitions relate to implementation of the provisions of the Andhra Pradesh (Scheduled Castes, Schedules Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (for short 'the Act') and the Rules made thereunder in the matter of issuance or cancellation, as the case may be, of the caste certificates in respect of a community known as 'Agnikula Kshatriya' in the district of Nellore. In both the writ petitions, the petitioners are associations, but with different identity. The petitioner in W.P No. 20596 of 2005 complains of inaction on the part of the Mandal Revenue Officers of various mandals in the matter of issuance of certificates. On the other hand, the petitioner in W.P No. 20858 of 2005 points out that though it had brought to the notice of the authorities about the issuance of caste certificates in favour of persons who do not belong to the said caste, no action has been taken thereon.

Sri S. Ramachandra Rao, learned senior counsel and Sri S.V. Bhatt, learned counsel appearing for the respective petitioners have made extensive submissions touching on the merits of the matter. The gist of their arguments is that the authorities

vested with the power in the respective areas are virtually abdicating their power be it in the matter of grant of certificates or cancellation of fake certificates.

Learned Government Pleader for Social Welfare submits that the issue of caste certificates or for that matter the cancellation thereof in relation to 'Agnikula Kshatriya' has assumed serious proportions, particularly on account of fake claims and rivalries within the same caste.

Extension of the benefits of reservation in the matter of public employment and admission into educational institutions, brought with itself, the keen competition and claims for the benefit. Instances are not liking when persons who actually do not belong to various communities have secured certificates through misrepresentation and have knocked away the benefit, whereas, the candidates who genuinely belong to such communities were denied the benefit.

With a view to streamline the entire process of issuance of certificates as well as cancellation of fake ones, the State had enacted the Act in the year 1993. The Rules were framed in the year 1997. Section 4 of the Act, read with the relevant rules, prescribes the procedure for issuance of certificates. The Mandal Revenue Officers are conferred with the power to issue caste certificates after due verification. The procedure for cancellation of caste certificate issued to a candidate is prescribed under Section 5 of the Act, and the relevant rules. The District Level Committee is conferred with the power to cancel the certificates. A detailed procedure and enquiry is to be followed before any certificate is cancelled.

Though the relief claimed in the writ petitions appears to be in opposite directions, in the ultimate analysis both of them want the authorities to implement the provisions of the Act in its letter and spirit. In fact, there is no antithesis between these two.

On the pretext that fake applications are being filed by ineligible persons, the respondents cannot sit over the applications. In the process, the claims of genuine candidates would suffer. Similarly, the authority prescribed under Section 5 of the

Act cannot be permitted to remain indifferent whenever an instance of fake certificate is brought to its notice. Denial of certificate to a genuine candidate is as improper and illegal as failure to take action against the holder of a fake certificate. In either of the cases, it is the provisions of the Act as well as the constitutional right that is granted to the concerned citizens, that stand defeated.

For the foregoing reasons, the writ petitions are disposed of directing that:

a. The respondents in W.P No. 20596 of 2005 are directed to dispose of the applications pending with them for grant of caste certificates in favour of candidates belonging to 'Agnikula Kshatriya' within in a period of two months from the date of receipt of a copy of the order.

b. The District Collector, Nellore, the 1st respondent shall initiate necessary proceedings in such cases where it is brought to his notice that any caste certificate in relation to 'Agnikula Kshatriya' community has been issued to an ineligible candidate; in accordance with Section 5 of the Act and the relevant rules within a period of six weeks from the date of receipt of a copy of the order. It is made clear that in all these cases, the authorities shall strictly follow the procedure prescribed under the Act and the rules. It shall be open to the petitioners to supply the respective lists to the concerned authorities.

(L. Narasimha Reddy, J)

30..09..2005

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